



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**
Caption in Compliance with D.N.J. LBR 9004-2(c)

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Order Filed on January 8, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-28149

Chapter 13

Hearing Date: October 29, 2020

Judge: Honorable Rosemary Gambardella

In Re:

WILLIAM CHARLES HOVEY,

Debtors.

**INTERIM ORDER BY CONSENT DIRECTING THE RELEASE OF CERTAIN
PHOTOGRAPHS OF MACHINES AND EQUIPMENT LOCATED AT TELEMARK CNC,
LLC IN THE POSSESSION OF NON PARTY WITNESS DAVID A. NUFRIQ, ESQ.,
WITHOUT PREJUDICE TO ENTRY OF FINAL ORDER IN CONNECTION WITH MR.
NUFRIO'S NOTICE OF MOTION TO QUASH CREDITOR ROBERT M. PIETROWICZ'S
SUBPOENA DUCES TECUM AND SUBPOENA AD TESTIFICANDUM COMPELLING
PRODUCTION OF ALL PHOTOGRAPHS BY MR. NUFRIQ OF MACHINERY AND
EQUIPMENT LOCATED AT TELEMARK CNC, LLC**

The relief set forth on the following page is hereby **ORDERED**.

DATED: January 8, 2021

Date:

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Caption of Order: Interim Order by Consent directing the release of certain photographs of machines and equipment located at Telemark CNC, LLC in the possession of non party witness David A. Nufrio, Esq., without prejudice to entry of Final Order in connection with Mr. Nufrio's Notice of Motion to Quash Creditor Robert M. Pietrowicz's Subpoena Duces Tecum and Subpoena Ad Testificandum compelling production of all photographs by Mr. Nufrio of machinery and equipment located at Telemark CNC, LLC

This matter having been opened to the Court upon the filing by non-party witness, David Nufrio, Esq. of a Notice of Motion to Quash the Subpoena Duces Tecum and Ad Testificandum served by Creditor, Robert M. Pietrowicz compelling production of all photographs of machinery and equipment located at Telemark CNC, LLC that Debtor, William Charles Hovey testified at his deposition were taken by Mr. Nufrio in or about September 2019 in support of Debtor's claim that the machinery and equipment at issue were allegedly vandalized and/or damaged, and the Court having reviewed the submissions received from Mr. Nufrio in support of his Notice of Motion to Quash and the opposition filed thereto by Creditor, Robert M. Pietrowicz and reply papers, if any filed by Mr. Nufrio and the Court having heard oral argument on October 29, 2020, at which time Mr. Nufrio consented to producing approximately fifty (50) photographs in advance of Court Ordered Mediation, which Mr. Nufrio represented he previously produced to the trial judge in an unrelated proceeding in the Superior Court of New Jersey, Law Division, Morris County, provided there was limited dissemination of the photographs; and for good cause shown;

IT IS HEREBY ORDERED that based on the consent of non-party witness, David Nufrio, Esq. set forth on the record on October 29, 2020, within ten (10) days of the entry of this Order, he shall turn over to Neal H. Flaster, Esq., co-counsel for Creditor Robert M. Pietrowicz, copies of approximately fifty (50) photographs which Mr. Nufrio represented he previously produced to the trial judge in an unrelated proceeding in the Superior Court of New Jersey, Law Division, Morris County; and it is further

ORDERED that within five (5) days of receipt from Mr. Nufrio of the approximately fifty (50) photographs referenced herein, Mr. Flaster shall forward copies of same to Creditor's co-Counsel, Leonard C. Walczyk, Esq. and Donald W. Clarke, Esq., Debtor's attorney, Dean G. Sutton, Esq., and the Court Ordered Mediator, the Hon. Donald H. Steckroth (Ret.); and it is further

ORDERED that the approximately fifty (50) photographs produced by Mr. Nufrio shall not be disseminated to persons outside of this proceeding other than as provided herein; and it is further

ORDERED that the terms of this Interim Order are without prejudice to the Court's Final Order to be entered in connection with Mr. Nufrio's Notice of Motion to Quash Creditor, Robert M. Pietrowicz's Subpoena Duces Tecum and Ad Testificandum and all further Order(s) of this Court.